

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                           |   |                    |
|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, | ) |                    |
|                           | ) |                    |
| Plaintiff,                | ) |                    |
|                           | ) |                    |
| v.                        | ) | No. 3:04-CR-119    |
|                           | ) | (PHILLIPS/SHIRLEY) |
| WILLIAM T. HENDRICKS,     | ) |                    |
|                           | ) |                    |
| Defendant.                | ) |                    |

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636 for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the undersigned on July 1, 2005, for a competency hearing. Assistant United States Attorney Tracee Plowell appeared on behalf of the government. Attorney Douglas Trant appeared on behalf of the defendant, who was also present.

The Court previously ordered the defendant to submit to an outpatient mental examination by Dr. Bruce Seidner, whose report was received on April 12, 2005. At the July 1, 2005, hearing, Dr. Seidner testified regarding his findings as stated in his report.

The Court is not currently persuaded by a preponderance of the evidence that the defendant is currently incompetent. To make a finding regarding the defendant's competency, more information is needed. Specifically, the undersigned believes that reports from the defendant's treating doctors, Drs. Albiston and Hogan, would be especially helpful, as these doctors see the defendant regularly and may have unique insight into the defendant's mental status, and particularly, the progression of the defendant's dementia and its effect on the defendant's competency to stand

trial.

For these reasons, the Court finds that the competency hearing should be continued to allow the defendant to be examined and evaluated by Dr. Albiston and Dr. Hogan and for reports to be submitted to the Court summarizing their findings. The parties do not object to a continuance of the competency hearing for this purpose.

Accordingly, it is **ORDERED** that the parties are to appear before the undersigned on **September 8, 2005 at 1:30 p.m.** for a competency hearing.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge